



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: P.O. Box 1450
Washington, D.C. 20546
www.uspto.gov

APPLICATION NO. 10/792,050	FILING DATE 03/03/2004	FIRST NAMED INVENTOR Daniel Hock	ATTORNEY DOCKET NO. 60,130-2045; 02MRA0104	CONFIRMATION NO. 4784
2696 7590 10262004 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009		EXAMINER PATEL, KIRAN B		
		ART UNIT 3612	PAPER NUMBER	

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary		Application No. 10/792,050	Applicant(s) HOCK ET AL
		Examiner Kiran B. Patel	Art Unit 3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- A paper reply specified above is less than thirty (30) days, a reply within the statutory time limit of thirty (30) days will be considered timely.
- If NO period for reply is specified above, a reply must be filed within the time specified in the notice of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
 2a) ☒ This action is FINAL.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-8 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SF/08)
 Paper No(s)/Mail Date 3/2/04.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date, _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____

DETAILED ACTION
Final Rejection

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 5-6, 8, are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobsen et al. (4,792,180).

Regarding claims 1-3, 5-6, 8, Jacobsen et al. (4,792,180) discloses in Fig. 1-3 the invention as claimed to include a first body part of the roof having an outer skin (12, 16) formed of at least partially deformable material, said outer skin having a recess (Fig 2), an inner layer (56) and a second car body part (42) placed

in the recess, wherein the second car body part is anchored in the recess by an interlocking fit between the recess and the second car body part;
wherein said second car body part has an edge portion (50) that is curved in two opposite directions, wherein the edge portion being positioned within said recess; one anchoring protrusion (52).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 4, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobsen et al. (4,792,180) and in view of ordinary skill in the art.

Regarding claim 4, 7, Jacobsen et al. (4,792,180) discloses the invention as claimed.

However, Jacobsen et al. (4,792,180) does not disclose that the inner layer is reinforced with glass fiber and the outer skin is made of plastic.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to reinforce the inner layer with glass fiber and the outer skin is made of plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice to increase the strength of the inner layer and avoid corrosion problems.

Response to Arguments

1. Applicant's arguments filed 9/20/04 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show, teach or suggest certain features of applicant's invention, it is noted that the features upon which applicant relies (claim 1, "the inner layer of the car body is closer to the interior of the car than the outer skin"; "56 shown in Jacobsen cannot be considered an inner layer of a car body part because it is neither a layer attached to an outer skin nor is it closer to the car interior"; "56 cannot be considered a

component of a car body part";) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 703-305-0254. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Kiran B. Patel, P.E.
Primary Examiner
Art Unit 3612
October 15, 2004